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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/516,655 03/01/00 THOMPSON

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EXAMINER

PM82/0831

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MALCOLM T

ART UNIT

PAPER NUMBER

3629

DATE MAILED:

AIR MAIL

08/31/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/516,655

Applicant(s)

THOMPSON, THOMAS C.

Examiner

Tomlyne A Malcolm

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 18) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5,6 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant's claims are replete with limitations that lack antecedent bases. For example:

Claim 5 recites the limitation "said acute angles" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "said unequal bends" in line 1; "said outside wall" in line 4. There is insufficient antecedent bases for these limitations in the claim.

Claim 9 recites the limitation "said rafter tabs" in line 2. There is insufficient antecedent bases for these limitations in the claim.

The preceding list is not intended to be a comprehensive recitation of all the limitations lacking antecedent bases. Applicant is urged to carefully review the claims and make the appropriate corrections.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 through 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Netek, U.S. Patent No. 5,257,483.

In regards to claim 1, Netek discloses a one-piece retrofit hurricane and earthquake connector comprising comprising a base member (10) and angled top web (9) connected by a double angled offset member (6).

In regards to claim 2, the base member having a generally flat, generally rectangular shape, with a plurality of nail holes as a means for easy attachment to the outside wall of an existing house (see Fig.1).

In regards to claim 3, the offset member having attachment to the base member by a first generally horizontal bend at an acute angle (bottom half of Fig.1).

In regards to claim 4, the offset member having attachment to said top web by a second generally horizontal bend at an acute angle (top half of Fig.1).

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In regards to claim 5, the acute angles having generally unequal bends in opposite directions as a means of offsetting the top web for avoiding frieze boards and blocking that stick out on a completed house (see Fig.1).

In regards to claim 6, the unequal bends and offset having the base member and the top web unparallel to each other as a means of forming a buttress, thereby preventing the outside wall from detaching from a house.

Claims 11 through 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Thompson, U.S. Patent No. 6,094,880.

In regards to claim 11, Thompson discloses a roof connector comprising a roof plate (11) and bolts (18), above a roof (27), and attachment hole on a metal member and locking nuts below a roof.

In regards to claim 12, the roof plate having predetermined area and shape as a means for conforming to the outside surface of a roof.

In regards to claim 13, the roof plate having a plurality of oblong bolt holes (15) spaced greater than the width of a roof rafter as a means for straddling a rafter underlying said outside surface of the roof, and having form for the placement of the bolts into the oblong holes on either side of the rafter.

In regards to claim 14, the metal member below a roof having prior attachment to structural members of a house and a bolt hole generally parallel to the roof as a means

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for accepting the bolt from the roof and having connectivity with the nut (column 7, lines 30 through 45) as a means for securing the roof to the structural members of a house.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims rejected under 35 U.S.C. 103(a) as being unpatentable over Netek, as discussed above in view of Colonias, et al., U.S. Patent No. 5,109,646.

In regards to claim 7, Colonias teaches a top web having a generally vertical cut line in the approximate center (Fig.1) . Modifying Netek in view of Colonias would disclose a top web having a generally vertical cut line in the approximate center (Fig.1, Colonias) and at generally right angles near the second acute angle bend (top half of Fig. 1, Netek). It would have been obvious to one of ordinary skill in the art to modify Neteck in view of Colonias in order to construct a connector which would increase the strength of the rafter.

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In regards to claim 8, Colonias teaches the cut lines having formed rafter tabs (36 and 41) that are generally vertical and bent at generally right angles and having a plurality of nail holes as a means of attachment to the sides of a roof rafter.

In regards to claim 9, Colonias teaches the top web having blocking webs (area 35 and 40 in Fig.1) approximately perpendicular to the rafter tabs and having a plurality of nail holes as a means of attachment onto said frieze boards and blocking on a completed house.

In regards to claim 10, the combination of Neteck in view of Colonias teaches , base plate, rafter tabs, and blocking webs attached to an existing house by a plurality of nail holes, as a means for avoiding frieze boards and securing together an outside wall, an underlying top plate, the rafter, and frieze boards and blocking thereby preventing wind and shaking damage from a hurricane and earthquake.

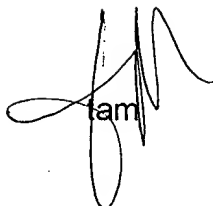
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tomlyne A Malcolm whose telephone number is 703-305-1566. The examiner can normally be reached on Monday through Thursday from 7:30 am to 6:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne, can be reached on (703) 308-1159. The fax phone number for the organization where this application or proceeding is assigned is 703-305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

A handwritten signature in black ink, appearing to be "Lam".A handwritten signature in black ink, appearing to be "Lynne H. Browne".

Lynne H. Browne
Supervisory Patent Examiner
Technology Center 3600